

# **State of Alaska FY2005 Governor's Operating Budget**

## **Department of Law Human Services Section Component Budget Summary**

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## Component: Human Services Section

### Contribution to Department's Mission

The Human Services section provides advice and representation to the Department of Health and Social Services to assist that agency in the performance of its functions.

### Core Services

Attorneys in the Human Services section provide legal assistance to the Department of Health and Social Services on issues arising from the state's health services, social services, juvenile justice, and welfare programs. They advise divisions and offices of the department regarding changes in federal law and steps necessary at the state level to remain in compliance with federal funding requirements. Attorneys initiate legal action to remove children from abusive or neglectful homes, assist the department's Office of Children's Services to implement a plan to safely return children home or take legal action to terminate parental rights to allow permanent placement in adoptive homes of children in state custody; prosecute juvenile delinquency cases; prosecute foster care, assisted living, and adult foster home licensing revocations; establish senior guardianships; prosecute adult protection cases; represent the state's psychiatric facility in mental commitments; represent the state in Medicaid recipient/provider hearings and appeals; handle Alaska Supreme Court and Court of Appeals appellate work for all of the above types of cases; provide advice on public health issues; and provide advice to the Long Term Care Ombudsman.

### FY2005 Resources Allocated to Achieve Results

<b>FY2005 Component Budget: \$4,797,700</b>	<b>Personnel:</b>	
	Full time	58
	Part time	0
	<b>Total</b>	<b>58</b>

### Key Component Challenges

Child protection workloads continue to be of extreme concern to the department. Statutory changes at the state and federal level have necessitated changes in how long children may remain in the child protection legal system. These changes move cases to conclusion faster to ensure that when reunification with the family is not in the child's best interest the child can be made legally eligible for placement in a permanent home more quickly. The changes also mandate additional court proceedings in order to ensure that the department is quickly moving to achieve a permanent plan for the child. The accelerated schedules, additional hearings, and appropriate document preparation severely impact attorney workloads. Increasing our existing resources for child protection is necessary in order for us to effectively manage this important responsibility. Adequate attorney resources are also necessary in order to help the Office of Children's Services meet certain goals for purposes of federal funding of foster care and administrative expenses involved in child protection. A recent audit reflected poor performance by both the Office of Children's Services and the Department of Law, caused in large part by the lack of sufficient staff, which will result in a decrease in federal reimbursement. Another key issue for this component is the need for paraprofessional support to assist our Human Services attorneys in Fairbanks.

Representation for the Division of Juvenile Justice has been reduced by one attorney as a result of the loss of federal funding passed through to the Department of Law by the Department of Health and Social Services under the Juvenile Accountability Incentive Block Grant. Even prior to that reduction, as a result of chronic attorney understaffing, the Division only referred approximately 17% of its cases to the Department of Law. In order to achieve the department's goal of protecting the public and rehabilitating juveniles, additional attorney staff is necessary.

The section is representing the Office of Children's Services in a lawsuit filed by four Alaska Native villages alleging violations of the Indian Child Welfare Act, the Adoption and Safe Families Act, and the Multi-Ethnic Placement Act. A

full-time position is assigned to handle this matter in an effort to defeat the plaintiffs' request for the establishment of an oversight body to monitor the activities of the Office of Children's Services.

Attorneys who handle cases and issues relating to Medicaid anticipate a large increase in work due to fair hearing requests as a result of new cost-containment regulations. Additionally, we anticipate that provider appeals will increase as a result of SB 41 which requires additional audits of Medicaid providers, and more oral advice and appeals will occur as a result of increased use of the "lock-in" provision.

The section is also anticipating new responsibilities to the Pioneer Home, Longevity Bonus Program, and daycare licensing program, as a result of the transfer of these programs into the Department of Health and Social Services.

## **Significant Changes in Results to be Delivered in FY2005**

The Human Services Section is requesting 4 additional attorneys to handle child protection and juvenile delinquency cases statewide. At the present time, CINA and juvenile delinquency attorneys are handling an average of 158 cases. The addition of 4 attorneys would reduce each caseload to approximately 120 cases, a more reasonable and manageable caseload. A lower caseload will return positive results in several critical areas. Most importantly, Alaskan children will benefit from moving to permanent home placements more quickly because the legal work necessary in order to make them available for adoption will be completed more quickly. The reduction of cases will enhance our section's ability to increase compliance with federal requirements, thus increasing federal reimbursement to the Department of Health and Social Services which in turn helps to fund CINA attorneys (\$346,200 in the FY 2004 budget); and recruitment and retention of attorneys for CINA positions will improve as caseload pressured on existing staff is relieved.

## **Major Component Accomplishments in 2003**

- The section participated in an interagency effort (Balloon Project) to reduce backlog of children in foster care longer than state and federal laws permit. As of June 30, 2003, 96 percent of the children in foster care the longest were in a permanent placement, and in another five percent of the cases, the legal work to free these children for adoption is complete. As these oldest cases have been successfully resolved, the next oldest group of cases has been added. The project now has eight phases including nearly 2,600 children, of whom 71 percent now have permanent homes, and another XXX percent are legally free for adoption.
- Continued to prosecute approximately two thousand child-in-need-of-aid (CINA) cases, moving toward the goal of achieving permanency for children, whether it be reunification with their parents or other permanent placements, such as adoption or guardianship.
- Continued to revise forms and institute new practices to comply with the new law passed in 1998 and subsequent amendments to the children's code.
- Continued to work with the Child Support Enforcement Division in the Department of Revenue toward the goal of early establishment of paternity in child protection cases and consistently obtaining child support orders from parents whose children are in state custody.
- Engaged in foster care licensing revocation actions.
- Achieved several major victories in the Alaska Supreme Court on issues that significantly affect our day-to-day practice. Approximately 16 appellate cases were handled.
- Provided regular training sessions at the social worker academy on the child protection legal system.
- Prosecuted hundreds of juvenile delinquents, obtaining numerous felony and misdemeanor adjudications, some after jury trials. Several of these cases involved high-profile crimes with significant media attention. Participated in juvenile waiver cases involving a gruesome homicide and an attempted murder.

- Advised the Department of Health and Social Services on matters related to compliance with federal law affecting confidential patient records, and legal matters regarding the reporting and control of diseases of public health significance.
- Provided on-going advice and representation to the Division of Medical Assistance, Division of Mental Health and Developmental Disabilities and the Division of Senior Services (now the Divisions of Health Care Services, Senior and Disabilities Services, and Behavioral Health) related to the administration of the home and community based waiver programs. Such advice and representation includes representing the agency during fair hearings, superior court appeals, and supreme court appeals.
- Provided on-going advice to the Division of Mental Health and Developmental Disabilities (now Division of Behavioral Health) related to the implementation of the involuntary mental commitment statutes (AS 47.30 et. seq.), including representing the state in mental commitment hearings, and advising the division on issues related to mental commitments. Handled one civil commitment hearing in which the constitutionality of the court-ordered medication statute was challenged. The case is currently on appeal to the Alaska Supreme Court.
- Experienced a dramatic increase in the filing of guardianship and conservator petitions for vulnerable adults throughout the state.
- Represented DHSS, OCS, in a lawsuit filed by four Alaska Native villages alleging violations of the Indian Child Welfare Act, the Multi-Ethnic Placement Act, and the Adoption and Safe Families Act. This case is still in the discovery stage and may last several years.
- Worked with DHSS, OCS, to establish procedures to ensure timely compliance with requirements of Title IV-E of the Social Security Act, to attempt to increase reimbursement for foster care and administrative expenses.
- Continued to participate in a pilot project for the Family CARE (Court Assisted Recovery Effort) Court began in August of 2002. The project encompasses the coordinated efforts of the Department of Law, Department of Administration's OPA and Public Defender, and the Court System. The pilot uses principles from the drug court model to directly engage and assist parents of children who have been the subject of CINA petitions. Several parents involved in the project graduated during a much-publicized ceremony.

## Statutory and Regulatory Authority

AS 44.23.020

### Contact Information

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### Human Services Section Component Financial Summary

*All dollars shown in thousands*

	FY2003 Actuals	FY2004 Authorized	FY2005 Governor
<b>Non-Formula Program:</b>			
<b>Component Expenditures:</b>			
71000 Personal Services	3,650.1	3,543.2	4,156.7
72000 Travel	62.0	61.2	53.0
73000 Contractual	649.7	444.0	483.6
74000 Supplies	63.1	61.1	71.9
75000 Equipment	42.3	0.0	32.5
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
<b>Expenditure Totals</b>	<b>4,467.2</b>	<b>4,109.5</b>	<b>4,797.7</b>
<b>Funding Sources:</b>			
1004 General Fund Receipts	2,827.6	2,962.4	3,588.6
1007 Inter-Agency Receipts	1,575.8	1,083.3	1,142.3
1037 General Fund / Mental Health	63.8	63.8	66.8
<b>Funding Totals</b>	<b>4,467.2</b>	<b>4,109.5</b>	<b>4,797.7</b>

### Estimated Revenue Collections

Description	Master Revenue Account	FY2003 Actuals	FY2004 Authorized	FY2005 Governor
<b><u>Unrestricted Revenues</u></b>				
Unrestricted Fund	68515	0.7	0.0	0.0
<b>Unrestricted Total</b>		<b>0.7</b>	<b>0.0</b>	<b>0.0</b>
<b><u>Restricted Revenues</u></b>				
Interagency Receipts	51015	1,575.8	1,083.3	1,142.3
General Fund Mental Health	68520	63.8	63.8	66.8
<b>Restricted Total</b>		<b>1,639.6</b>	<b>1,147.1</b>	<b>1,209.1</b>
<b>Total Estimated Revenues</b>		<b>1,640.3</b>	<b>1,147.1</b>	<b>1,209.1</b>

**Summary of Component Budget Changes  
From FY2004 Authorized to FY2005 Governor**

*All dollars shown in thousands*

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
<b>FY2004 Authorized</b>	<b>3,026.2</b>	<b>0.0</b>	<b>1,083.3</b>	<b>4,109.5</b>
<b>Adjustments which will continue current level of service:</b>				
-Changes to Retirement and Other Personal Services Rates	155.8	0.0	59.0	214.8
-PCN 03-0367 to Opinions, Appeals and Ethics	-147.4	0.0	0.0	-147.4
<b>Proposed budget increases:</b>				
-1 New Juvenile Delinquency Attorney	112.2	0.0	0.0	112.2
-1 New Paralegal for Fairbanks Human Services	101.6	0.0	0.0	101.6
-3 New CINA Attorneys - Anchorage	407.0	0.0	0.0	407.0
<b>FY2005 Governor</b>	<b>3,655.4</b>	<b>0.0</b>	<b>1,142.3</b>	<b>4,797.7</b>

### Human Services Section Personal Services Information

Authorized Positions			Personal Services Costs	
	<u>FY2004</u> <u>Authorized</u>	<u>FY2005</u> <u>Governor</u>		
Full-time	54	58	Annual Salaries	3,273,884
Part-time	1	0	Premium Pay	0
Nonpermanent	0	0	Annual Benefits	1,316,712
			<i>Less 9.45% Vacancy Factor</i>	(433,896)
			Lump Sum Premium Pay	0
<b>Totals</b>	<b>55</b>	<b>58</b>	<b>Total Personal Services</b>	<b>4,156,700</b>

### Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Administrative Clerk I	2	0	0	0	2
Attorney III	7	1	2	2	12
Attorney IV	9	2	2	0	13
Attorney V	2	1	3	0	6
Attorney VI	1	0	0	0	1
Law Office Assistant I	7	2	3	2	14
Law Office Assistant II	2	1	1	0	4
Paralegal II	4	1	1	0	6
<b>Totals</b>	<b>34</b>	<b>8</b>	<b>12</b>	<b>4</b>	<b>58</b>